IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2030 OF 2006

Munilal C. Gupta ... Petitioner

V/s

The Chief Executive Officer,
S.R.A. & ors. ... Respondents

Mr. S.S. Redekar for the petitioner.

Mr. G.D. Utangale for respondent Nos. 1 and 2.

Mr. Santosh P. Shetye with D.S.Sakhalkar for respondent No.4.

Mr. P.G. Sawant, A.G.P. for the State.

Mr. Vinod Mahadik for the B.M.C.

CORAM: DR. D.Y. CHANDRACHUD, J.

DATED: 31ST AUGUST, 2006

P.C.:

1. The petitioner has been allotted commercial premises in a building which has been constructed under the Slum Rehabilitation Scheme. The petitioner has now moved the Court under Art. 226 of the Constitution claiming that he should be allotted residential-cum-commercial premises.

2. The petitioner had moved this Court in earlier proceedings, being Writ Petition 2088 of 2004. A perusal of the earlier writ petition would clearly demonstrate that the claim of the petitioner was confined to the allotment of shop premises in the newly constructed building. The petitioner specifically claimed a right to the allotment of a shop in lieu of a stall in which he was carrying on business since December, 1981. In the order of the Division Bench dated 18th October, 2004, the statement of the Slum Rehabilitation Authority was recorded to the effect that the Authority will decide on the eligibility of the petitioner for allotment of shop premises in accordance with law. The reference to determining the eligibility of the petitioner to the allotment of a shop was obviously in reference to the claim made by the petitioner himself in the earlier petition. Now that the petitioner has been allotted commercial premises consisting of a shop, his claim for allotment of residential-cum-commercial premises cannot be entertained. The Slum Rehabilitation Authority cannot be faulted for having rejected the request of the petitioner for allotment of premises which would serve as residential premises as well as a shop. This would be clearly traveling beyond the original claim of the petitioner before this Court in

the earlier proceeding. Counsel for the developer states that an allotment has already been made to the petitioner by draw of lots.

3. In the circumstances, there is no merit in the petition. The petition is dismissed.

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